

1  
2  
3  
4  
5  
6 THE HONORABLE BENJAMIN H. SETTLE  
7  
8

9  
10  
11  
12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON  
14 AT TACOMA  
15

16 UNITED STATES OF AMERICA, for the Use  
17 and Benefit of D&D CONSTRUCTION I, INC.,  
18 A Washington corporation,  
19

20 Plaintiff,

21 v.  
22

23 FIDELITY & DEPOSIT COMPANY OF  
24 MARYLAND, a Maryland corporation,  
25

Defendants.

No. 3:23-cv-05308-BHS

**STIPULATED ORDER FOR  
ADDITIONAL STAY**

**NOTE ON MOTION CALENDAR  
TUESDAY, May 14, 2024**

16 PLAINTIFF United States of America, for the Use and Benefit of D&D Construction I,  
17 Inc. (“D&D” or “Plaintiff”) and Fidelity & Deposit Company of Maryland (“Defendant”) hereby  
18 submit the following Stipulated Motion to Stay.  
19

20 The parties hereby jointly move for an additional stay of this matter for a period of 6 months.  
21 The project at issue in this matter was issued a Termination for Convenience by the project owner, the  
22 United States Army Corps of Engineers (“USACE”). D&D’s claim has been submitted for payment  
23 to the USACE pursuant to the termination for convenience process as outlined in FAR 52.249-2. The  
24 basis for this request for stay is to await the decision of the USACE regarding the D&D claim.  
25

Accordingly, the parties again jointly move this Court for an additional stay of all deadlines,

1 including the answer and responsive pleading deadline, and all other case deadlines for an additional  
2 six (6) months, or no sooner than November 14, 2024. At the end of the stay, the parties will update  
3 the Court on the status of the dispute.

4 DATED this 14<sup>th</sup> day of May, 2024

5 GORDON THOMAS HONEYWELL LLP

6  
s/ Mitchell J. Wright  
7 Shelly M. Andrew, WSBA # 41195  
8 Mitchell J. Wright, WSBA #60143  
9 1201 Pacific Avenue, Suite 2100  
10 Tacoma, Washington 98402  
11 P. (253) 620-6500  
Email: [sandrew@gth-law.com](mailto:sandrew@gth-law.com)  
Email: [mwright@gth-law.com](mailto:mwright@gth-law.com)  
12 *Counsel for Plaintiff*

DORSEY & WHITNEY LLP

6  
s/ Emily A. Yoshiwara  
7 Marisa M. Bavand, WSBA #27929  
Allison L. Murphy, WSBA #43019  
Emily A. Yoshiwara, WSBA # 54648  
Columbia Center  
701 Fifth Avenue, Suite 6100  
Seattle, WA 98104-7043  
P: (206) 903-8800  
E: [bavand.marisa@dorsey.com](mailto:bavand.marisa@dorsey.com)  
E: [murphy.allison@dorsey.com](mailto:murphy.allison@dorsey.com)  
E: [yoshiwara.emily@dorsey.com](mailto:yoshiwara.emily@dorsey.com)  
13 *Counsel for Defendant*

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
STIPULATED ORDER FOR ADDITIONAL STAY  
23-cv-05308-BHS

## ORDER

Good Cause Appearing, this Case and all deadlines shall be extended and stayed for a period of six (6) months to November 14, 2024.

DATED this 14th of May, 2024

  
BENJAMIN H. SETTLE  
United States District Judge

Presented by:

DORSEY & WHITNEY LLP

s/ *Emily A. Yoshiwara*

Marisa M. Bavand, WSBA #27929  
Allison L. Murphy, WSBA #43019  
Emily A. Yoshiwara, WSBA # 54648  
Columbia Center  
701 Fifth Avenue, Suite 6100  
Seattle, WA 98104-7043  
P: (206) 903-8800  
E: [bavand.marisa@dorsey.com](mailto:bavand.marisa@dorsey.com)  
E: [murphy.allison@dorsey.com](mailto:murphy.allison@dorsey.com)  
E: [yoshiwara.emily@dorsey.com](mailto:yoshiwara.emily@dorsey.com)  
*Counsel for Defendant*

*Counsel for Defendant*

**DORSEY & WHITNEY LLP**  
COLUMBIA CENTER  
701 FIFTH AVENUE, SUITE 6100  
SEATTLE, WA 98104-7043  
PHONE: (206) 903-8800  
FAX: (206) 903-8820 □

1 GORDON THOMAS HONEYWELL LLP  
2

3 s/ Mitchell J. Wright

4 Shelly M. Andrew, WSBA # 41195

5 Mitchell J. Wright, WSBA #60143

6 1201 Pacific Avenue, Suite 2100

7 Tacoma, Washington 98402

8 P. (253) 620-6500

9 Email: [sandrew@gth-law.com](mailto:sandrew@gth-law.com)

10 Email: [mwright@gth-law.com](mailto:mwright@gth-law.com)

11 *Counsel for Plaintiff*

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STIPULATED ORDER FOR ADDITIONAL STAY  
23-cv-05308-BHS

- 4

**DORSEY & WHITNEY LLP**  
COLUMBIA CENTER  
701 FIFTH AVENUE, SUITE 6100  
SEATTLE, WA 98104-7043  
PHONE: (206) 903-8800  
FAX: (206) 903-8820□

## **CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused to be served the foregoing on the following counsel of record by the method indicated:

Mitchell J Wright, WSBA No. 60143  
Shelly M. Andrew, WSBA No. 41195  
GORDON THOMAS HONEYWELL LLP  
1201 PACIFIC AVENUE  
STE 2100  
TACOMA, WA 98401  
253-620-6500  
Email: [mwright@gth-law.com](mailto:mwright@gth-law.com)  
[sandrew@gth-law.com](mailto:sandrew@gth-law.com)

- Via Messenger
  - Via Facsimile
  - Via U.S. Mail
  - Via Electronic Mail
  - Via ECF Notification

*Attorney for Plaintiff D&D Construction I,  
Inc.*

Dated this 14<sup>th</sup> day of May, 2024.

/s/ Rachel Leigh  
Rachel Leigh, Legal Assistant